IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1041(S/S)07

Narendra Mohan Pandey S/o Sri T.D. Pandey,
R/o village-Narayan, Post-Kanda,
District Bageshwar. ----Petitioner.

Vs.

Chief Engineer, Kumaon Region,
Public Works department, Almora,
District Almora. ----Respondents.

Sri Ravi Babulkar, learned counsel for the petitioner.
Sri N.P. Sah, learned Standing Counsel for State of Uttarakhand/respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Ravi Babulkar, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for State of Uttarakhand/respondents.

The petitioner has preferred the instant writ petition challenging the impugned order dated 03.08.2007 passed by the respondent (annexure no.3 so far as it relates to the petitioner) by which the petitioner, who is working at Temporary Division, Public Works Department, Berinag District Pithoragarh has been transferred to Works Division Kapkot, District Bageshwar after being promoted.

The petitioner has assailed the impugned transfer on various grounds, such as, that the petitioner has been transferred after amending earlier order dated 27.07.2007; the persons who have long stay at the similar places for about 15 to 20 years have been allowed to function while the petitioner within a short span of two years has been transferred which is discriminatory on the part of the respondent as the transfer

policy stipulates that an employee should remain at one place for at least 3 years; lastly that in the garb of amended transfer order the respondent intends to suit some favoured person.

The petitioner could not show the policy, which may establish that an employee would be placed at one place for at least three years. So far long stay of some employees is concerned, in my opinion, in absence of pleadings in rebuttal, at this stage the assertions made in the writ petition do not inspire confidence.

In this regard, raising all his grievances, the petitioner has already moved a representation on 06.08.2007 (annexure no.4 to the writ petition) before the Chief Engineer, Kumaon Region, P.W.D., Almora, which is still pending before him.

Therefore, without entering in to the merits of the case. I deem it fit and proper to direct the respondent- Chief Engineer, Kumaon Region, Public Works Department, Almora to take decision on the representation of the petitioner dated 06.08.2007 (annexure no.4 to the writ petition) within a period of two weeks, from the date of production of a certified copy of this order. The petitioner is directed to produce a certified copy of this order before respondent within a week.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 9, 2007:
NCM: